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3
4 UNITED STATES DISTRICT COURT
5 WESTERN DISTRICT OF WASHINGTON
6 AT SEATTLE

7 UNITED STATES OF AMERICA,)

8 Plaintiff,)

9 v.)

10 FERNANDO CIENFUEGOS,)

11 Defendant.)

Case No. CR06-425-MJP

**PROPOSED FINDINGS OF FACT AND
DETERMINATION AS TO ALLEGED
VIOLATIONS OF SUPERVISED
RELEASE**

12 INTRODUCTION

13 I conducted a hearing on alleged violations of supervised release in this case on August 27,
14 2008. The defendant appeared pursuant to a summons. The United States was represented by the
15 Doug Whalley, and defendant was represented by Kevin Peck. Also present was U.S. Probation
16 Officer Monique Neal. The proceedings were digitally recorded.

17 CONVICTION AND SENTENCE

18 Defendant was sentenced on January 25, 2008 by the Honorable Marsha J. Pechman, for
19 conspiracy to distribute heroin. He received 357 days of imprisonment and three years of
20 supervised release.

21 PRIOR VIOLATIONS OR MODIFICATIONS

22 On January 25, 2008, defendant commenced his term of supervised release. On February
23 19, 2008, defendant violated his conditions of supervision by using oxycodone, alcohol, heroin,

PROPOSED FINDINGS OF FACT AND
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SUPERVISED RELEASE -1

1 and methamphetamine. On March 19, 2008, at the recommendation of the probation office, the
2 court took no action as the defendant was in the process of entering outpatient substance abuse
3 treatment.

4 PRESENTLY ALLEGED VIOLATIONS AND
5 DEFENDANT'S ADMISSION OF THE VIOLATIONS

6 In a petition dated July 25, 2008, Supervising U.S. Probation Officer Monique Neal
7 alleged that defendant violated the following conditions of supervised release:

- 8 1. Using oxycodone on or before the boring 19, 2008.
- 9 2. Using alcohol, heroin, and methamphetamine on or before March 3, 2008.
- 10 3. Using heroine on or before April 28, 2008.
- 11 4. Using methamphetamine and OxyContin on or before June 4, 2008.

12 In a petition dated August 20 6, 2008, Supervising U.S. Probation Officer Monique Neal
13 alleged that defendant violated the following conditions of supervised release:

- 14 5. Using Vicodin on or before July 31, 2008.
- 15 6. Using morphine on or before August 7, 2008.
- 16 7. Using cocaine on or before August 12, 2008.

17 After being advised of his right to require the government to prove the alleged violations
18 and penalties, defendant admitted violations 1, 2, 3, 4, 5 and 6. Following defendant's
19 admissions, the government withdrew violation 7. The government also moved that the
20 defendant be detained. The defense moved for release. The Court ordered defendant be detained
21 pending disposition in this case.

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DATED this 27th day of August, 2008.

s/ BRIAN A. TSUCHIDA
BRIAN A. TSUCHIDA
United States Magistrate Judge